

MEETING MINUTES
Board of Mental Health Practice
July 7, 2014

These minutes were approved by
the Board on 9/18/2014

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Vice-Chair, Dale Battleson, at 9:05 a.m., in Lower Level Room A, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

Members Present:	Dale Battleson	-	Vice-Chair
	Susan Feyen	-	Member
	William Gaughan	-	Member
	Mike Kinney	-	Member
	Susan Meyerle	-	Secretary
	Sarita Ruma	-	Member
Members Absent:	Thomas Maxson	-	Chair
	Allison Reisbig	-	Member (arrived 9:21 a.m.)
	Shari Schnuelle	-	Member (arrived 9:10 a.m.)
Others Present:	Kris Chiles	-	Program Manager, Licensure Unit
	Barb Remmers	-	Investigator, Licensure Unit
	Dennis Scott	-	Investigator, Licensure Unit
	Julie Agena	-	Assistant Attorney General
	Joseph M. Acierno	-	Chief Medical Officer, Director of Division of Public Health
	Roger Brink	-	Department Attorney
	Kay Pinkley	-	RAID

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Ruma moved, seconded by Kinney, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Kinney, Meyerle, Ruma (6). Voting nay: None (0). Absent: Maxson, Reisbig, Schnuelle (3). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (5-9-14)

MOTION: Kinney moved, seconded by Gaughan, to approve the minutes of 5-9-14. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Kinney, Meyerle, Ruma (6). Voting nay: None (0). Absent: Maxson, Reisbig, Schuelle (3). Abstain: None (0). Motion carried.

4. DISCUSSION AND STATUS OF THE REGULATIONS (172 NAC 194)

Dr. Acierno commented that he had been involved in the development of the current draft regulations since the beginning and he thanked all who were involved and he understood that it had not been easy. He stated there had been many roadblocks and a lot of negotiating that had to take place. Dr. Acierno stated that there were certain sections that had been more of an issue than others but the other sections were just as important in the day in and day out work of the Board. He commented that some of the practice issues had likely changed since this draft revision started. Dr. Acierno stated that where he saw roadblocks in moving the draft regulations was the use of the term gender identity and he recommended the term be removed from the regulations. He stated that looking at some of the legal aspects he felt using the term would hang up the regulations. He commented that he did not know how Mr. Cunningham might feel about his recommendation but would like to know. He stated that the best opportunity to move the regulations forward would be to take gender identity out of the regulations.

Battleson commented that he had not heard before that using gender identity was a stumbling block and he wondered how to approach that so that there were no more stumbling blocks or changed positions. It was commented that gender identity was added based on input from the public. Dr. Acierno responded that he could not tell the Board what to do and it was not a decree from him but he thought it was an area

where there would be resistance and it would be hard to take the regulations to public hearing using gender identity. Dr. Acierno was asked if gender identity appeared in the psychology regulations and he responded those words were not in those regulations. Dr. Acierno commented that he wanted to get the mental health regulations moved forward just as he knew this Board did. There was a discussion about what words could be used if not sexual identity such as sexual preference or sexual orientation.

9:10 a.m. - Schnuelle entered meeting
9:21 a.m. - Reisbig entered meeting
9:26 a.m. - Acierno departed meeting

Meyerle suggested that a meeting of the Board be scheduled to discuss the regulations and not rush into a discussion today. She commented it would be an opportunity to consider Dr. Acienio's suggestion and determine what the Board would want to do. It was discussed that other interested parties could attend as it would be a public meeting.

MOTION: Meyerle moved, seconded by Schnuelle, to set up a meeting of the Board to discuss the regulations prior to the next regular Board meeting. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Kinney, Meyerle, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: Maxson (1). Motion carried.

5. INVESTIGATIVE REPORTS AND OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Meyerle moved, seconded by Kinney, to enter into closed session at 9:40 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Kinney, Meyerle, Reisbig, Ruma, Schnuelle (8). Voting nay: None (0). Absent: Maxson (1). Motion carried.

9:40 a.m. - Brink and Pinkley departed meeting
10:13 a.m. - Feyen departed meeting
10:16 a.m. - Feyen entered meeting
10:33 a.m. - Battleson departed meeting
10:38 a.m. - Battleson entered meeting
10:40 a.m. - Kinney departed meeting
10:43 a.m. - Kinney entered meeting
11:18 a.m. - Break
11:29 a.m. - Resume meeting in closed session
12:00 p.m. - Kinney departed meeting

MOTION: Ruma moved, seconded by Gaughan, to enter into open session at 12:20 p.m. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Absent: Kinney, Maxson (2). Motion carried.

12:29 a.m. - Agena departed meeting

6. APPLICATION REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications/Reinstatements/Convictions

Melinda Mousel – PLMHP

MOTION: Feyen moved, seconded by Schnuelle, to recommend approval of PLMHP. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Reisbig, Ruma, Schnuelle (6). Voting nay: Meyerle (1). Abstain: None (0). Absent: Kinney, Maxson (2). Motion carried.

Samuel Edwards – PLMHP and PCMSW

MOTION: Meyerle moved, seconded by Feyen, to recommend denial of PLMHP and PCMSW on the basis of convictions and lack of moral character as evidenced by being on the Nebraska sex offender registry. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: None (0). Absent: Kinney, Maxson (2). Motion carried.

Ana Vaughn – PLMHP and PCMSW

MOTION: Feyen moved, seconded by Schnuelle, to recommend approval of PLMHP and PCMSW. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Meyerle, Reisbig, Ruma, Schnuelle (7). Voting nay: None (0). Abstain: None (0). Absent: Kinney, Maxson (2). Motion carried.

Chiles stated she had some applications with education to review and asked that someone after the meeting help her with them.

7. UNFINISHED BUSINESS

a. Jurisprudence Examination – finalize draft

Battleson stated Maxson had previously provided copies of the jurisprudence examination. Chiles commented that Maxson had made some revisions to the copies being distributed at the meeting. Meyerle commented that questions could always be added to the database. One member commented that she thought some of the questions were not clear enough. A change was suggested on the 3rd page regarding supervisory sessions in terms of what supervision was being referenced. Battleson suggested that every member take the test and forward their results and comments on individual questions. Comments were asked to be submitted by 8-15-14.

b. Other

Battleson reiterated that members agreed to hold a conference call on 7-28-14 for 2 hours beginning at noon to discuss the draft regulations. Those who can will be present in Lincoln. Members discussed that prior to the meeting work needed to be done to communicate with professional organizations and looking at language in codes of ethics of professional organizations. Meyerle commented it might be helpful to see if in other jurisdictions the professions follow the professional organizations' codes of ethics.

Battleson asked if the Board wanted to do address suggestions relating to the investigational reports provided. The members decided to discuss further at the next meeting.

8. NEW BUSINESS

a. Correspondence

Members reported that they had been receiving questions about CEUs for independent mental health practice renewal, specifically relating to the number of hours required for ethics. Currently there is no specific requirement for LI's, however, the draft regulations do propose a change.

b. Other

There was nothing to report.

9. UPDATES AND REPORTS

a. AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health Committee

AASCB

Meyerle reported she attended the meeting in January and observed how other jurisdictions were set up.

AMFTRB

There was nothing to report.

ASWB

There was nothing to report.

Citizen Advocacy Center

There was nothing to report.

Justice Behavioral Health Committee

There was nothing to report.

b. Disciplinary/Non-Disciplinary Report / Licensure Statistics / Administrative Penalty Fees Assessed

Chiles distributed the Disciplinary Report for the period since the May meeting.

Chiles reported that since the May meeting;

1. 13 individuals passed the NCE examination and 1 was not successful.
2. 5 individuals passed the ASWB examination and 1 was not successful.
3. 2 individuals passed the NBCC clinical examination and 2 were not successful.
4. 4 individuals passed the AMFTRB examination.
5. 1 passed the DM of the NCMHCE and 2 were not successful; 3 passed the IG of the NCMHCE.

Chiles report since first collecting administrative penalty fees for this profession, \$25,809 had been collected. She also reported 5 individuals were recently assessed an administrative penalty fee.

Chiles reported the following licensing statistics:

LIMHP	1169
MFT	100
MSW	895
CMSW	30
LMHP	2870
CPC	1111
PMSW	180
PLMHP	968
SW	626

There was a discussion about LIMHP and LMHP renewals and Chiles commented the Department was instructing individuals that it was their decision to determine which licenses they want/need to renew. Chiles also reported that the fee structure for renewal for someone with both licenses has been cumbersome.

Chiles asked what percentage of renewals the Board wanted to audit. The Board recommended 2 percent.

c. Other

Chiles announced that Helen Meeks would be retiring the end of August and Brink is retiring at the end of the year.

10. ADJOURNMENT

Battleson adjourned the meeting of the Board of Mental Health Practice at 1:23 p.m.

Respectfully Submitted,

Susan Feyen, Secretary
Board of Mental Health Practice

Next Meeting: July 28, 2014 Conference Call

Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit